

**TOWN OF LUNENBURG
SPECIAL TOWN MEETING WARRANT
NOVEMBER 16, 2015**

Worcester, ss:

To: John E. Baker, Constable of the Town of Lunenburg, in the county of Worcester, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Lunenburg, qualified to vote in elections and town affairs, to meet in the Lunenburg High School Auditorium in said Lunenburg on Monday, the 16th day of November next, at 7:00 o'clock in the evening (7:00 P.M.), for the purpose of taking action on the Special Town Meeting Warrant, and then and there to act on the following articles, viz:

SPECIAL TOWN MEETING ARTICLES

ARTICLE 1. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the first year of the FY'15, FY'16 and FY'17 Lunenburg Professional Firefighters PFFM, Local 4358A Collective Bargaining Agreement dated July 1, 2014 – June 30, 2017, or take any action relative thereto. (Submitted By Town Manager) Board of Selectmen and Finance Committee will recommend at Town Meeting.
(No contract settlement at the time of printing)

ARTICLE 2. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum of money for payment of prior year expenses; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen and Finance Committee recommend passing over this article.

ARTICLE 3. To see if the Town will vote to appropriate and transfer from available funds all sums of money necessary to amend the amounts voted for the Town's FY2016 Budget, under Article 15 of the May 2, 2015 Annual Town Meeting, or take any other action relative thereto. (Submitted by Town Manager)
Board of Selectmen recommends. Finance committee will make recommendation at Town Meeting.

ARTICLE 4. To see if the Town will vote to rescind the sum of \$284,263.59, the remaining borrowing authorization, from Article 2 of the 11/06/2001 STM for engineering and construction of sewers; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen and Finance Committee recommend approval.

ARTICLE 5. To see if the Town will vote to rescind the sum of \$28,708, the remaining borrowing authorization, from Article 4 of the 05/07/2005 STM for engineering and construction of sewers; or take any other action relative thereto. (Submitted by Town Accountant) Board of Selectmen and Finance Committee recommend approval.

ARTICLE 6. To see if the Town will vote to rescind the sum of \$125,000, the remaining borrowing authorization, from Article 5 of the 10/01/2002 STM for the renovation of the Turkey Hill Middle School heating system; or take any other action relative thereto. (Submitted by Town Accountant)
Board of Selectmen and Finance Committee recommend approval.

ARTICLE 7. To see if the Town will vote to rescind the sum of \$56,550, the remaining borrowing authorization, from Article 4 of the 05/03/2003 STM for the construction and/or renovations of the heating system at the Thomas Passios Elementary School; or take any other action relative thereto. (Submitted by Town Accountant)
Board of Selectmen and Finance Committee recommend approval.

ARTICLE 8. To see if the Town will vote to authorize the enactment of a bylaw regulating the use of vehicles on Whalom Lake

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Section 1. Purpose and Scope

The purpose and scope of this bylaw is to protect the safety of the public, to prevent the destruction of aquatic life, waterfowl or other wildlife, the decay of water quality and damage to abutting private and public lands by the inappropriate use of motor vehicles, recreation vehicles or snow vehicles on the waters or frozen waters of Whalom Lake; to promote voluntary compliance with all applicable laws relating to the operation of motor vehicles and when necessary to deter noncompliance through fines and penalties.

Section 2. Definitions

- a) **Motor Vehicle:** any motor vehicle as defined in M.G.L Chapter 90, § 1.
- b) **All-terrain vehicle:** means a motorized recreational vehicle designed or modified for travel on four low pressure tires and having a seat designed to be straddled by the operator and handlebars for steering control, and recreational vehicle or off-highway vehicle as defined in CMR 323, § 3.02 and governed by M.G.L Chapter 90B.
- c) **Snow vehicle:** a motor vehicle designed to travel over ice or snow, having a curb weight of not more than 453 kilograms or 1000 pounds, driven by track or tracks in contact with the snow or ice and steered by a ski or skis in contact with the snow or ice as defined in CMR 323, § 302 and governed by M.G.L Chapter 90B.
- d) **Operation:** to ride in or on and control the operation of, or to maintain, suffer, supervise, or permit the operation of, or to push a snow vehicle or an all- terrain vehicle, or in the case of a motor vehicle, any person who makes use of any mechanical or electrical agency, which alone or in sequence will set in motion the motive power of the vehicle, or if the engine is not running, any person who utilizes any combination of actions that would set the vehicle in motion.
- e) **Public Access:** shall mean the public access located in the City of Leominster or any other place where Whalom Lake can be accessed by the public.
- f) **Law Enforcement Officer:** any police officer, constable or other officer authorized to make arrests or serve process provided he is in uniform or displays his/her badge of office.
- g) **Board:** Town of Lunenburg, Board of Selectmen

Section 3. Operation of Snow Vehicles and All-Terrain Vehicles

- A. No person, or group of persons shall operate, or cause to be operated on the waters or frozen waters of Whalom Lake, any snow vehicles that are not in compliance with Massachusetts CMR 323 § 2.01 to 3.09 & M.G.L. c. 90 § 21 to 35.
- B. When the Town of Lunenburg or any other agency or state agency duly authorized by law has posted the waters or frozen waters of Whalom Lake to prohibit access for or use of snow vehicles or all-terrain vehicles, no person, or group of persons shall operate any snow vehicle or all-terrain vehicle upon such waters or frozen waters. In the absence of such a posting, persons utilizing water or the frozen water of Whalom Lake do so at their own risk and the Town of Lunenburg assumes no responsibility either implied or expressed for the safety of any person who voluntarily assumes a known and obvious risk inherent in such activities. No person shall operate a snow vehicle or all-terrain vehicle upon any frozen waters of Whalom Lake under any circumstance unless a minimum of five inches of solid ice cover is present. The operator shall determine the thickness of the ice and assumes all responsibility in undertaking an activity with an inherent and known risk.

Section 4. Operation of Motor Vehicles Prohibited

- A. No person, group of persons or organizations shall operate, or cause to be operated, any motor vehicle as defined in M.G.L. c. 90 § 1 on the waters or frozen waters of Whalom Lake.

Section 5. Access

- B. No snow vehicle or all-terrain vehicle shall enter upon Whalom Lake except by public access or by written permission by the landowner.

Section 6. Penalties

This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal complaint pursuant to G.L. c.40 § 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents, or any police officer. The fine for a violation of this bylaw shall be three hundred dollars (\$300.) for each offense. (Submitted by Police Chief) Board of Selectmen recommends approval. Finance Committee reports no direct financial impact.

ARTICLE 9. To see if the Town will vote **to enact a bylaw that restricts the public consumption of Marijuana or Tetrahydrocannabinol.** The bylaw shall consist of two sections:

Section 1: No person shall ingest or otherwise use or consume marijuana or tetrahydrocannabinol, (as defined in G.L. c.94C§ 1, as amended) other than a qualified patient with a valid medical certification of a debilitating condition, all as defined under state law, while in or upon a street, sidewalk, public way, footway, or pathway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any town owned vehicle; or in any place accessible to the public. No person, including a qualifying patient with a valid medical certification of a debilitating condition, as defined under state law, shall smoke marijuana or tetrahydrocannabinol in any public place set forth herein.

Section 2: This bylaw may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal complaint of fines pursuant to G.L. c.40 § 21D, by the Board of Selectmen, the Town Manager, or their duly authorized agents or any police officer. The fine for a violation of this bylaw shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this bylaw shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L. (Submitted by Police Chief)

Board of Selectmen to recommend at Town Meeting.

Finance Committee reports no direct financial impact.

ARTICLE 10. To see if the Town would vote **to enact a bylaw authorizing the Board of Selectmen to license suitable persons to carry on the business of pawnbrokers, buyers and sellers, or dealers in metal**, as provided by M.G.L. c.140 as amended.

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Article I. Buyers and Sellers of Goods and Electronics

Section I. Licensing Authority and Requirements

Subsection A.

The Board of Selectmen may license suitable persons to be pawnbrokers or buyers of goods pursuant to law. Licenses shall expire on the last day of December annually no matter when obtained during the preceding year. Such licenses shall not be valid to protect the holders thereof in a building or place other than that designated in the license, unless consent to removal is granted by the Board of Selectmen. Applications for new licenses under the rule may be filed at any time with the Board of Selectmen. Applications for the reissue of licenses already existing should be filed at least 30 days before the

expiration of such licenses. Persons whose licenses have expired and have not been reissued will be liable to prosecution if carrying on business for which the license is required. Every person so licensed shall, at the time of receiving such license, file a bond as provided by M.G.L. c. 140 § 77 as amended.

Subsection B.

Persons who engage in or carry on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling the same back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender, must be licensed as pawnbrokers. This provision, however, does not apply to loans made on stocks, bonds, notes or other written or printed evidence of ownership of property or of indebtedness to the holder or owner of such securities. (M.G.L. c. 140, § 70 – 85)

Section II. Interest Rates

- A. Licensed pawnbrokers may charge interest at the rate of 3% per month, and in no event may they charge more than the rate allowed by the Massachusetts Commissioner of Banks.
- B. No such pawnbrokers shall charge or receive any greater rate of interest, and interest shall be determined on the precise sum advanced by the lender.
- C. No pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles or things pawned with him. (M.G.L. c. 140, § 78)

Section III. Police may enter and inspect premises and records

Any officer of the Lunenburg Police may at any time enter upon any premises used by a licensed pawnbroker or buyer for the purposes of his or her business, ascertain how he or she conducts his or her business and examine all articles taken in pawn or bought, or kept or stored in or upon said premises and all books and inventories shall be exhibited to any above name whenever a demand shall be made for such exhibition. (M.G.L. c. 140, §74) (Penalty for refusal, M.G.L. c. 140, §74)

Section IV. Numbering of pawned articles

Every licensed pawnbroker or buyer shall at the time of making any loan, attach a number to the article taken in pawn or bought and shall make entry of such number in the book provided for in Section V. of this article.

Section V. Maintenance of records; contents; photo identification

- A. Every licensed pawnbroker or buyer shall keep a book of style and size in which shall be legibly written in ink in the English language at the time of making each loan, an account and description, including all distinguishing marks and numbers and serial numbers of the goods, articles or things pledged or pawned, the amount of money loaned or paid thereon, the day and hour when it was pawned, the rate of interest to be paid on such loan and the number of such article as same. No entry made in said book shall be erased, obliterated or defaced. Electronic record keeping by the pawnbroker or buyer is acceptable as long as the records meet all the bylaw requirements.
- B. Every pawnbroker or buyer shall photograph any person pawning or pledging articles and keep such photographs with said books as part of his or her records. (M.G.L. c. 140, § 79).
- C. For all transactions, every pawnbroker or buyer shall also require positive identification and shall record the type of identification presented and record the date of birth from any person pawning, pledging or selling any article. Positive identification shall mean any picture identification card issued by a governmental agency.

Section VI. Pledge cards; contents; retention

Each pledger shall be required by the pawnbroker to sign his/her name and age and address on a card. In the event that the pledger is unable to write, the pawnbroker shall fill in the name, age and address on such card, together with a notation stating that the pledger was unable to do so. Such card shall be retained seven years in an alphabetical index file by the licensed pawnbrokers.

Section VII. Copy of required record to pledger

Every pawnbroker or buyer shall at the time of making such loan deliver to the person who pawns or pledges any goods, articles or things, a memorandum or note signed by him, containing the substance of the entry required to be made in his book by the provisions of Section V. and no charge shall be made or required by any pawnbroker or buyer for any such entry, memorandum or note. (M.G.L. c. 140, § 80)

Section VIII. Daily report to police

Subsection A. Every licensed pawnbroker or buyer shall make out and deliver a report of transactions to the Lunenburg Police Chief or his designee every day before the hour of 10:00 a.m., a legible and correct list containing an accurate description, including all distinguishable marks, numbers and serial numbers of all articles taken in pawn or bought during the preceding business day, the respective numbers of such articles as provided by Section IV. of this bylaw, the amount loaned or paid thereon and the time when such articles were pawned or bought. This report can be done electronically, via the Internet, or faxed to the Lunenburg Police Chief or his designee. If during the preceding day no articles have been taken in by such pawnbroker or buyer, he or she is required to report affirmatively. This report can be done both electronically via the Internet and by fax.

Subsection B. If any goods or articles pawned or pledged and in the possession of a pawnbroker or buyer are subsequently determined to be stolen property by a member of the Lunenburg Police Department or the Massachusetts State Police, or if the rightful owner identifies property in the possession of a pawnbroker or buyer and the property so identified is confirmed to be stolen goods by a member of the Lunenburg Police Department or Massachusetts State Police, said property shall be returned to the rightful owner at no cost to such owner.

Section IX. Posting Requirements

Subsection A. Every licensed pawnbroker or buyer shall post in a conspicuous place in his or her shop or office a copy of the statutes, ordinances and police regulations relating to pawnbrokers/buyers, to be furnished by the Lunenburg Police Department's Police Chief or designee, and shall put in some suitable and conspicuous place in his shop a sign having his/her name and occupation legibly inscribed thereon in large lettering.

Subsection B. No pawnbroker or buyer shall place or maintain any signs or devices upon or in connection with his or her licensed premises indicating or tending to indicate that any form of business is conducted therein which he or she is not legally authorized to pursue.

Section X. Hours of Operation

Pawnbroker or buyer may have his/her shop open for transactions between sunrise and 10:00 p.m. in the evening of any weekday and weekend. Under no circumstances can a pawnbroker or buyer operate after the hour of 10:00 p.m. to sunrise.

Section XI. Disposition of pledged articles

Subsection A. Articles deposited in pawn with a licensed pawnbroker shall unless redeemed, be retained by him/her on the premises occupied by him/her for their business for at least four months after the date of deposit.

Subsection B. After the expiration of the applicable period of time he/she may sell the article by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale and pay any surplus to the person entitled thereto on demand.

Subsection C. No such sale of any article which is not of a perishable nature shall be made unless not less than 10 days prior to the sale a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence as appearing in the records of such pawnbrokers. Proof of registered mail shall be kept on file for one year after the date of sale.

Subsection D. No article taken in pawn by such pawnbroker or buyer shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding.

Subsection E. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section. (M.G.L. c. 140, § 71)

Section XII. Prohibitions

Subsection A. No pawnbroker or buyer shall make a loan, directly or indirectly, to a person under the age of 18, knowing or having reason to believe him or her to be such.

Subsection B. No pawnbroker or buyer shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun. (M.G.L. c. 140, § 131B)

Subsection C. No pawnbroker or buyer shall hold a license to sell, rent, or lease a firearm, rifle, shotgun, or machine gun.

Section XIII. Complaints, Disciplinary Action; Hearing

Subsection A. Complaints concerning licensed pawnbrokers or buyers shall be investigated by the Lunenburg Police Department under the direction of the Chief of Police. The Chief of Police or his designee will provide a disciplinary request to the Board of Selectmen for actionable complaints lodged against licensees.

Subsection B. In the event the Chief of Police determines that disciplinary action should be instituted against a licensed pawnbroker or buyer, the Chief of Police shall cause to be served upon the licensed pawnbroker or buyer notice as to the time, date and place of hearing and of the charge with a statement of the reasons for the proposed disciplinary action. Hearings shall be conducted in accordance with law.

Section XIV. Suspension or Revocation of License

The Board of Selectmen may suspend or revoke licenses provided for by this article for any cause which the Board of Selectmen deems sufficient. Offenses which may result in the suspension or revocation of a pawnbroker's or buyer's license include but are not limited to the following:

- a) A violation of any section of this article.
- b) A violation of any provision of any statute or applicable law.

Article II. Sale, Exchange or Purchase of Metals

Section I. Findings

The Town of Lunenburg finds that there is a cognizable risk for stolen metals to end up in the possession of even legitimate businesses which trade in metals, including precious metals. Certain criminals bring stolen metals, including precious metals to dealers in jewelry and scrap metal. The victims of theft have only small hope of recovering their property unless the people and entities who receive scrap metals and jewelry are regulated in a manner which identifies both the metal received by the dealers and the persons who deliver the metal to these dealers. There is an Internet alert system used by the Lunenburg Police Department which reports stolen metals. Monitoring transactions within the town and identifying both the metals and the persons selling or delivering these metals will serve both to deter theft and to enable the Lunenburg Police Department to trace and recover stolen property and return it to the rightful owners.

Section II. Definitions

As used in Article II, the following terms shall have the meanings indicated:

ARTICLE: Any metal which is subject to Article II and is exchanged, sold, collected, bartered or received by a person dealing in metals.

CHIEF OF POLICE: The Chief of the Lunenburg Police Department or his designee.

EXCHANGE: Receiving, purchasing, selling or bartering metals, including precious metals and industrial scrap metals.

METAL: A chemical element that is malleable, opaque and ductile, usually solid, which has a characteristic luster, is a good conductor of heat and electricity, and can be melted or fused, hammered into thin sheets, or drawn into wires, e.g., copper, aluminum, gold, silver or iron or other metals.

PRECIOUS METAL(S): Any metal which is considered valuable, such as silver, gold, platinum and copper without regard to the form or amount of such precious metal.

BOARD: Board of Selectmen

Section III. License Required

- a) No person shall collect, deal in, exchange, buy, or keep a shop or place for the exchange, purchase, sale or barter of metals, including precious metals and industrial metals, in any building or place within the limits of the town without having a license issued by the Board of Selectman. The license requirement and the other requirements of this Article II shall not apply to commercial haulers having valid, current United States Department of Transportation stickers affixed to their vehicles.
- b) Board of Selectmen may for a fee set by said board and based upon an application devised by said board, license suitable persons to be dealers in and keepers of shops or locations for the purchase, sale or barter of precious metals at such places within the town as may be designated in such license. The Board of Selectmen may place reasonable conditions on such licenses which shall be inscribed on the face of the license. A license shall be limited to a specific address stated thereon. Subject to the notice and appeal provisions contained in Section IX (E),(2),(3) of this Article II, the Board of Selectmen may deny a license to any person who in the exercise of his reasonable discretion is unsuitable.
- c) All metal dealer licenses shall expire annually on the last day in December. The license holders shall be responsible for submitting an application for license renewal with the license fee to the Board of Selectmen at least 30 days prior to the last day in December. Upon receipt of an application for renewal, the Board shall consider the performance of the licensee during the previous year and shall determine whether the licensee had been found in violation of this Article II and other ordinances and regulations of the town applicable to metal dealers.
- d) The Board of Selectmen may promulgate reasonable regulations not inconsistent with this Article II which shall be binding upon all licensees. No regulation shall take effect until the expiration of 30 days from the date the regulation(s) is delivered or mailed to the person(s) then licensed. The Board of Selectmen shall deliver a complete set of regulations and any amendments thereto to the Town Clerk. The Town Clerk shall maintain the complete set of all regulations in a book available to the public.
- e) The obligation to obtain a license as required by this section will take effect 45 days after it is finally enacted.

Section IV. Transactions with Minors

No licensee shall, directly or indirectly, exchange any metals with a person under the age of 18.

Section V. Waiting Period

No article exchanged, purchased or received shall be sold, or altered in appearance, form or substance until a period of at least twenty-one (21) days have elapsed from the date of its purchase or receipt. All articles exchanged, purchased or received must be made available to the Lunenburg Police Department upon request within 24 hours of such request, and the Police Department may investigate to determine if any article is or may be stolen property. This waiting period does not apply to scrap metal yards which are exempt from any waiting period.

Section VI. Daily Report

Every licensee shall electronically create and send to the Police Chief or his designee on a form, in the manner and at the time prescribed by the Police Chief or his designee, a legible complete list containing an accurate description of all metal articles received by the licensee during the previous 24 hours. The description must include: the type of metal, the size and/or quantity, whether the article is or may be a precious metal, if applicable; whether the article is typically used by or associated with a male or female, the wording of any engraving, whether the article has any gems or precious stones, any identifying number and every other identifiable trait.

Section VII. Recordkeeping Requirements

A. Every licensee shall, at the time of making any exchange or receipt of any article, assign and attach a number to each article received and shall make entry of such number in the book described in Subsection B.

B. Every licensee shall keep a book in which shall be legibly written in ink, in the English language, at the time the licensee receives any article, the following information:

- 1) An account and description, including all distinguishing or identifying marks and numbers of every article received by the licensee.
- 2) The amount of money, if any, paid for the article.
- 3) The date and hour when it was received.
- 4) The name, age, permanent address and telephone number of the person from who purchased or received.
- 5) A copy of the document used to identify the person giving the article to the licensee.

C. Every licensee shall require positive identification from any person selling or exchanging any article. The licensee shall copy and record the type of identification presented and the date of birth from any person giving or exchanging any article. Positive identification means only a government-issued document with the person's name and photograph. The licensee shall photograph any person exchanging any article(s). A copy of the identification and the photograph shall be kept with the book required by this section as part of his records.

D. No entry made in the book required by this section shall be erased, obliterated or defaced in any manner whatsoever. The book shall at all times be open for the inspection by the Police Chief or any police officer. The licensee shall keep and maintain all the records required by this Article II for a period of three years from the date of the last entry in any book.

Section VIII. Posting of Name, Occupation and License; Inspections

Every licensee shall post in some suitable and conspicuous place where he or she receives or exchanges articles, a sign having his/ her full legal name, and his/her business name, if different, and his/her occupation legibly described thereon in large letters. The current license shall also be so posted. The location where transactions occur, the store or shop and all articles exchanged and or kept therein or received therein and the book and documents required by this Article II, may at all times be examined by the Police Chief or any police officer at their request.

Section IX. Violations and Penalties

A. Whoever not having a valid license as required by this Article II, exchanges, collects, deals in or barter metals in any place or manner other than that designated in his license, or after notice to him that his license has been revoked, or whoever violates this Article II or any rule, regulation or restriction contained in his license, or any regulation promulgated by the Town of Lunenburg shall be subject to the fines and sanctions described in this section. Each day of such violation shall constitute a separate offense.

B. The fine for breach of the duty imposed by this Article II is three hundred dollars (\$300). Each day on which the person continues in violation shall be considered as a separate violation.

C. This Article II may at the discretion of the Chief of Police be enforced by civil process or by noncriminal disposition as provided in M.G.L. c. 40, § 21D. The Chief of Police or any Lunenburg police officer may issue tickets to enforce this Article II. If enforced civilly by ticket each day on which a violation exists shall be deemed to be a separate offense and the violator shall be subject to the following fines:

- 1) First violation: \$150.
- 2) Second violation: \$200.
- 3) Third violation: \$300.
- 4) Fourth and each subsequent violation: \$300.

D. In addition to the penalties set forth above, the enforcing authority may seek an injunction from an appropriate court to restrain any violation of this Article II, any regulation promulgated by the Town of Lunenburg or any condition inscribed on a license.

E. The Board of Selectmen may terminate any license or refuse to renew any license for violation of this Article II, a regulation promulgated by the Town of Lunenburg or any condition inscribed on the license. The Board of Selectmen shall use the procedure described in this section.

1) Notice of violation. Whenever it comes to the attention of the Board of Selectmen that a violation of this Article II, a regulation promulgated by the Town of Lunenburg or a condition inscribed on a license, the Board shall by written notice, deliver personally or send by certified mail to the licensee notifying him of the violation and order the person to cease and desist. Depending on the severity of the violation as determined by him, the Board of Selectmen may terminate the license. The Board shall also provide notice described herein if it denies an application for a license stating the reasons therefor.

2) Contents of notice. The written notice to the licensee shall contain a description of the violation(s) and the date(s) of occurrence and a citation to the section of the ordinance, regulation or license condition which the licensee is alleged to have violated. The notice will, if applicable, describe what the licensee must do to comply, whether the Board of Selectmen intends to terminate the license and the effective date of the termination which shall afford the licensee at least seven days to file an appeal of the proposed termination with the Board. In the case of denial of a license, the notice shall state the reasons for the denial.

3) Appeal. Upon receipt of a notice of license termination, or denial, the licensee may, within seven days of receipt of the notice, file a written appeal by delivery or certified mail to the Board of Selectmen's office during the hours of 8:30 a.m. to 4:30 p.m. on days when Town Hall is open for business. When the Board of Selectmen receives an appeal, they shall appoint a neutral hearing officer who will take testimony from any persons with knowledge of the facts including any police officer and the appellant. The appellant may be represented by counsel and any person so testifying will be subject to cross examination. The proceedings will be governed by the rules of evidence applicable to an informal administrative hearing. The hearing officer will assure that an appropriate record, including any documents submitted, is made and kept. The decision of the hearing officer will be written and final.

F. The Board of Selectmen, subject to the process described in this section, may refuse to renew any license. The Board shall not issue a license to any person convicted of a felony.

Section X. License and Administration Fees

- 1) Second Hand Buyer of Goods and Electronics Annually \$250.00
- 2) Second Buyer of Metal and Precious Metals Annually \$250.00
- 3) Pawnbroker License Annually \$100.00

Amendments

(Submitted by Police Chief) Board of Selectmen recommends approval. Finance Committee will make recommendation at Town Meeting.

ARTICLE 11. To see if the Town will vote to add the below bolded wording to Article XXIX Agricultural Commission,

Section 1. Said Commission, once appointed shall develop a work plan to guide its activities. Such activities may include, but are limited to the following; encouraging the continued pursuit of agriculture in Lunenburg; promoting agricultural-based economic opportunities in Town; mediating, advocating, educating and/or negotiating on farming issues; working for the preservation of prime agricultural lands; **to oversee, operate or run a Farmers' Market**; and pursuing all initiatives appropriate to retaining farming in Lunenburg, or take any action thereto.

(Submitted by the Board of Selectmen) Board of Selectmen and Finance Committee recommend approval.

ARTICLE 12. To see if the Town will vote to authorize the Board of Selectmen to enter into alternative energy power purchase and/or net metering credit purchase agreements, including solar and wind energy and related net electricity metering credits, for terms of more than three years, on such terms and conditions as the Board of Selectmen deem in the best interest of the Town; and to authorize the Board of Selectmen to take all actions necessary to administer and implement such agreements; or take any other action relative thereto.

(Submitted by Board of Selectmen/Town Manager) Board of Selectmen and Finance Committee recommend approval.

ARTICLE 13. To see if the Town will **vote to delete Article XV, Salary Administration Plan, of General Bylaws and replace with a new Article XV, Salary Administration Plan**, as printed below, or take any other action relative thereto. (Submitted by Personnel Committee)

**TOWN OF LUNENBURG
SALARY ADMINISTRATION PLAN**

FEBRUARY 8, 1965
REVISED MARCH 5, 1966
REVISED MARCH 4, 1967
REVISED MARCH 2, 1968
REVISED MARCH 1, 1969
REVISED MARCH 7, 1970
REVISED MARCH 6, 1971
REVISED MARCH 4, 1972
REVISED MARCH 3, 1973
REVISED APRIL 6, 1974
REVISED NOVEMBER 25, 1974
REVISED APRIL 4, 1975
REVISED APRIL 3, 1976
REVISED NOVEMBER 16, 1976
REVISED APRIL 2, 1977
REVISED APRIL 1, 1978
REVISED APRIL 7, 1979
REVISED APRIL 5, 1980
REVISED APRIL 3, 1982
REVISED JUNE 13, 1983
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REVISED MAY 11, 1985
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REVISED MAY 9, 1987
REVISED MAY 14, 1988
REVISED MAY 13, 1989
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REVISED MAY 11, 1996
REVISED MAY 10, 1997
REVISED OCTOBER 21, 1997
REVISED MAY 9, 1998
REVISED MAY 8, 1999
REVISED NOVEMBER 30, 1999
REVISED 2003
REVISED MAY 1, 2004
REVISED MAY 7, 2005
REVISED MAY 2, 2009
REVISED MAY 1, 2010
REVISED OCTOBER 1, 2015

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PREAMBLE

This by-law establishes a Salary Administration Plan, hereinafter called the “Plan”, which classifies several positions of town services into groups, establishes salary schedules, establishes so called “fringe” benefits, or “indirect pay” provisions, such as holidays and vacations with pay, sick leave, and the like, and establishes a Personnel Committee to administer the Plan, as hereinafter provided, and to represent the interest of both taxpayers and town employees.

SECTION 1. THE PERSONNEL COMMITTEE

There is hereby established a Personnel Committee consisting of five members, each residing in the Town of Lunenburg, to be appointed by the Selectmen and Town Manager, and each member shall serve for a term of three years; provided, however, that of the members originally appointed, one shall serve a term of one year, two for a term of two years, and two for a term of three years, as designated by the Selectmen and Town Manager. However, nothing herein shall be deemed to prohibit the chairman of the Personnel Committee from designating a member of said committee to serve ex officio as representative of said Committee on a study committee of the Town Meeting, nor shall such service affect the tenure of said member of the Personnel Committee. If any member of the Personnel Committee shall resign or otherwise vacate the office before the expiration of their term, the successor shall be appointed by the Selectmen and Town Manager, at their discretion, to serve for the balance of the unexpired term.

A Town employee may serve as an ex officio member of the Personnel Committee and may be called upon from time to time to provide information requested by the Personnel Committee so that the Personnel Committee can make well informed decisions and proposals.

Said Committee shall elect its own chairman and vice-chairman by September 15th of each year; and in the absence or incapacity of the chairman, the vice-chairman shall act as chairman. The Committee shall keep a record of its official proceedings and actions, may establish its own rule of procedure and may, subject to appropriation therefore, retain such clerical and other assistance, and make such other expenditures as may be necessary to the performance of its duties. Three members shall constitute a quorum for the transaction of the business of the committee, and the affirmative vote of three members shall be necessary to any official act of the Committee.

The Personnel Committee is hereby authorized to administer the provisions of this by-law, except for such duties as may be specifically assigned by statute or by-law to other Town officers, boards or committees. Appeals for decisions of the Personnel Committee may be taken to the Town at the next Annual or Special Town Meeting.

The Personnel Committee may from time to time issue, amend, or revoke Administrative Orders for the purpose of giving effect to the provisions of this by-law, and for the purpose of giving effect to the provisions of such other by-laws and votes of the Town, pertaining to personnel administration, as said Committee may be responsible for administering and/or enforcing. Each such order shall be numbered in sequence, and said Committee shall maintain in the Town Office a file for all such orders issued, said file to be open to public inspection.

Except as otherwise provided by law, the Committee shall have access to all facts, figures, records and other information relating to the personnel of Town departments other than the School Department, and the same shall be furnished forthwith by any such department whenever so requested by the Personnel Committee, in such a form as said Committee may require.

In the event that the Personnel Committee does not have enough members to conduct business, the Town Manager shall have the authority to administer the Salary Administration Plan.

SECTION 2. CLASSIFICATION AND SALARY SCHEDULE

The positions of all officers except those part-time administrative positions required by statute, and employees in the service of the Town, whether probationary, full-time, part-time, hourly, seasonal, intermittent, and any others, other than those positions filled by popular election, all contractual employees, all police officers under the rank of Police Chief, and those under the direction and control of the School Committee, are hereby classified by titles in the groups listed in Schedule A, entitled "Classification and Salary Schedule", as set forth in this by-law.

SECTION 3. TITLE OF POSITIONS

No person shall be appointed, employed or paid as an employee in any position subject to the provision of the Salary Administration Plan under any title other than those of the Classification and Salary Schedule, or under any title other than that of the job the duties of which are actually performed. The job title in the Classification and Salary Schedule of the Plan shall be the official title for all purposes having to do with the position and shall be used to designate the position in all payrolls, budget estimates and official reports, and in every other connection involving personnel and fiscal processes.

SECTION 4. NEW OR CHANGED POSITIONS

The Personnel Committee tentatively may add new job title and descriptions to this Plan, establishing grades with minimum and maximum wage or salary brackets for the same, and reclassifying existing jobs, revising the description and the minimum and maximum wage and salary brackets therefore, and such addition or reclassification to be effective only for the period from the date of such action by the Personnel Committee to the date of any vote with respect thereto adopted at a subsequent Town Meeting but in no case later than the next Annual Town Meeting unless such later date as may be specified by such vote. Any increase in wages or salaries under this section shall be effective only if funds are available for the purpose, and approved by the Finance Committee and Board of Selectmen.

SECTION 5. RECLASSIFICATION OF EMPLOYEES

No employee shall be reclassified to a job in another group, either higher or lower, until the Personnel Committee shall have determined that such a reclassification will be consistent with the provisions of the Salary Administration Plan.

SECTION 6. JOB DESCRIPTIONS AND INTERPRETATIONS

The Personnel Committee shall maintain written job descriptions of the jobs or positions in the Plan, describing the essential functions, requirements and duties. The descriptions shall not be interpreted as either complete or restrictive and employees shall continue to perform any duties assigned by an employee's supervisor.

Every three (3) years, the Personnel committee shall review the wage and salary schedules of all positions in the Plan, and be in a position to recommend to the Board of Selectmen any action deemed desirable to maintain a fair and equitable pay level.

SECTION 7. SALARY SCHEDULE

The Classification and Salary Schedule of the Salary Administration Plan, set forth in Schedule A of this by-law, shall consist of the maximum and minimum salaries and step-rate salaries for the groups and positions in the Classification and Salary Schedule. The salary range of a group shall be the salary range for all positions classified in such group.

Irrespective of the period of time for which pay rates may be shown in the Salary Schedule, all employees shall continue to be paid on an hourly, weekly, monthly, or other basis, as at present, unless otherwise authorized by the Personnel Committee or by amendment of the Salary Administration Plan.

SECTION 8. SALARY RATES ABOVE MAXIMUM

Any salary rate which is above the maximum rate for a job, as established by Salary Administration Plan, shall be deemed to be a personal rate, and apply only to the incumbent. When such incumbent leaves the employ of the Town or is transferred to another job with a higher maximum rate than their personal rate or higher maximum rates are established, the personal rate shall disappear. No other employee assigned to or hired for such job shall advance beyond the maximum of the job.

SECTION 9. LAYOFF PROCEDURE – RECALL PROCEDURE

Layoff Procedure – If the Town decides to lay off employees, it shall determine from which classification(s) or job function(s) layoffs shall be made. Layoffs shall then be made based on seniority within the classification.

“Seniority” shall be the length of an employee’s continuous service measured from the employee’s most recent appointment date; provided an employee’s seniority may be reduced for periods of unpaid leave, unless otherwise prohibited by law.

If two or more employees in the same classification have the same seniority, the employee who has the shorter term of continuous employment with the Town shall be laid off. If there are two or more employees in the same classification with the same seniority and the same term of continuous employment with the Town, a part-time employee shall be laid off before a full-time employee. If there are still two or more employees in the same classification, the Town Manager shall determine which employee shall be laid off.

An employee that is scheduled to be laid off shall have the right to bump other employees in lower classifications with less seniority, provided that the Town Manager, in his/her sole discretion, but with consultation of the Department Head, shall make a determination that the employee retained is qualified and able to perform the duties of the lower classification, subject to disability discrimination laws.

Employees who have been laid off from employment are responsible for keeping the Town advised of their current address for the purpose of potential recall from layoff.

Recall Policy – If the town conducts a recall from layoff, recall shall be offered in reverse order of layoff by classification provided the laid off employee is qualified and able to perform the duties of the classification to which the employee is being offered recall, subject to disability discrimination laws.

Employees shall only be eligible for recall from layoff under the terms of this policy for one (1) year from the date of the employee’s layoff.

Any employee who is recalled from layoff under the terms of this policy shall retain his/her seniority, less the period of layoff.

The Town will notify an employee of a recall opportunity by certified letter (or other verifiable method of delivery) to the employee’s last known address. An employee who has been offered an opportunity to be recalled from layoff must advise the Town of his/her intention to accept recall within five (5) working days.

SECTION 10. TRANSFERS AND PROMOTIONS

(a) When an employee is promoted to a job with a higher rate range, or rate of pay, he/she shall enter it at the minimum of the job rate range or at their own rate, whichever is the higher, but in no event at a rate in excess of the maximum for such job. He/she may also receive at the time one or more step rate increases, provided the maximum for the job is not exceeded, if the Department Head recommends that qualification and performance warrant it, and the Personnel Committee approves. If the Department Head should feel that there should be a trial period before recommending the promotional step rate increase or increases, on recommendation of the Department Head, the Personnel Committee may approve any such deferred promotional increase at the conclusion of the trial period.

(b) If an employee is transferred to a job with a lower rate range, or rate of pay, he/she shall enter it at their own rate or at the maximum rate for the job, whichever is the lower.

SECTION 11. NEW PERSONNEL

(a) The hiring rate shall be the minimum of the rate range of the job for which the new employee is hired, unless otherwise authorized by the Personnel Committee. Department Heads shall notify the Personnel Committee of the hiring of all new personnel. This notification shall be done in writing via the New Hire Personnel Form.

(b) Effective July 1, 2015, for new regular full-time, and new regular part-time personnel for whose position there is a rate range, eligibility for a step increase will depend on the employee’s date of hire. If hired between January 1st and June 30th, the employee is not eligible for a step increase until July 1st of the following calendar year. If hired between July 1st and December 31st, the employee is eligible for their first step increase on the upcoming July 1st.

SECTION 12. GRIEVANCE PROCEDURE

Any employee who believes that they have received inequitable treatment is encouraged to discuss the grievance initially with their supervisor within 10 working days of the occurrence or knowledge of the event. If the employee is not comfortable discussing the matter with their direct supervisor, or if the matter is not settled, the employee should submit the said grievance to their Department Head. The Department Head shall meet with the employee and will respond in writing to the employee within 14 days of the meeting. If the grievance is not resolved by the decision of the Department Head, the employee may file an appeal in writing with the Town Manager within 10 days of receipt of the decision. The Town Manager will meet with the employee within a reasonable time after receipt of the appeal and will respond in writing to the employee’s grievance within 30 days after meeting with the employee.

SECTION 13. DEPARTMENT BUDGETS

Each Department Head shall include in the annual budget request, a pay adjustment section to provide funds for anticipated pay adjustments during the ensuing year, expenditures to be made therefrom only in accordance with the Salary Administration Plan with approval of the Personnel Committee.

SECTION 14. SEVERABILITY PROVISION

In the event any provision of this by-law or application thereof shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this by-law.

SECTION 15. CIVIL SERVICE

Nothing in this by-law of Salary Administration Plan shall be construed to conflict with Chapter 31 (Civil Service) of the General Laws.

SECTION 16. HOURS OF WORK

The schedule of hours to be worked shall be determined by the appropriate Department Head.

For positions entitled to overtime pay at one and one-half (1 1/2) times the regular rate for work actually performed in excess of forty (40) hours within a work week, the words "work actually performed" shall be construed to include all duly paid time off, including but not limited to holidays, sick leave, vacation, personal days and bereavement leave, and such leave shall be included in the computation of forty (40) hours.

Unauthorized leave or leave for which the employee is not entitled to compensation shall not be included in such computation.

- I. Industrial Trades and Service Occupations
 - A. Work Week 40 hours in 5 days.
 - B. One and one-half (1 1/2) times the regular rate will be paid for work actually performed in excess of forty (40) hours within a work week.
- II. Office Occupations
 - A. Work Week - Forty (40) hours in five days and may be reduced administratively to 36 hours in four or five days.
 - B. One and one-half (1 1/2) times the regular rate will be paid for work actually performed in excess of forty (40) hours within a work week.
- III. Public Safety Occupations
 - A. Fire Department - The hours of the Fire Department shall be determined by the Chief with the approval of the Personnel Committee provided, however, that all hours worked by any member of the Fire Department will be paid for at the regular rate then in force.
- IV. Administrative and Professional Occupations
 - A. Persons employed in these positions are not governed by hours of the positions under their supervision or control. Generally, such positions shall be for at least forty (40) hours per week when full-time and not entitled to overtime.

Notwithstanding anything in the foregoing paragraphs, the appropriate department head may, instead of paying the overtime rate, provide that the employee take compensatory time off at a rate of 1 1/2 times the hours worked that qualify for overtime pay. Compensatory time must be taken within 60 days.

SECTION 17. PAID VACATIONS

All persons employed regularly by the Town full-time or part-time for a minimum of twenty (20) hours per week shall receive paid vacations according to the following schedule. Any persons working between 20 and 40 hours per week shall receive paid vacations, but it will be prorated accordingly. The part-time compensation formula shall be used to determine the prorated part-time employee's vacation day (See Section 28).

After Completion of:	Hours of Paid Vacation (Based on 40 hour week)
10 Months	80
1 Year	80
5 Years	120
10 Years	160
11 Years	164
12 Years	168
13 Years	172
14 Years	176
15 Years	180
16 Years	184
17 Years	188
18 Years	192
19 Years	196
20+ Years	200

Earned vacation time up to and including 80 hours must be used in the year granted. No unused portion of this allowance shall be carried forward into a subsequent vacation year, nor shall any monetary compensation be given for such unused portion. Earned vacation time in excess of 80 hours should be used in the year granted, and no portion of such excess shall be carried forward into a subsequent year. If departmental scheduling or other serious extenuating circumstances preclude the use of all such excess in the year granted, the employee shall receive compensation equivalent to such unused portion in a lump sum payable on the last payroll warrant in June, in addition to their regular salary; provided, however, that such payment must be approved by the Department Head and written authorization signed by the Personnel Committee in advance of such payment.

Employment Termination. An employee whose employment ends, whether voluntary resignation, retirement or involuntary termination, shall receive compensation equivalent to earned vacation allowance, provided he/she has been in the continuous service of the Town for 10 months, as follows:

- (a) All currently available, unused vacation allowance up to a maximum of 200 hours; and (b) One twelfth (1/12) of the vacation allowance which would otherwise have been credited on the next succeeding July 1, for each full month worked since the preceding July 1.

The vacation year shall begin July 1. The assignment of vacation leave shall be arranged by the Department Head for such time or times as best serve the public interest, provided, however, that each employee shall be entitled to use at least 40 hours of their vacation accrual during the period between June 1 and September 15 if desired, based on seniority.

No vacation time may be used in advance of the July 1 date on which it would normally be credited; except that where such advance served the needs both of the employee and of the Town, it may be requested by the Department Head and authorized in writing by the Town Manager. In no case shall any such advanced vacation exceed the number of days for which the employee would be entitled to compensation, were he/she to terminate their services in good standing on the first day of such vacation, in accordance with the provisions of paragraph 5, subparagraph (b), of this section.

SECTION 18. PAID HOLIDAYS

The Town of Lunenburg shall observe the following holidays:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans' Day
Washington's Birthday	Thanksgiving Day
Patriots Day	The Day after Thanksgiving
Memorial Day	The Day before Christmas
Independence Day	Christmas Day
Labor Day	

It is the intent of this section that no employee, employed full-time or part-time for a minimum of twenty (20) hours, shall lose pay by the observance of any of the listed holidays; provided, however, that part-time employees shall receive holiday benefits only for holidays falling within their regularly scheduled work week; and provided further that, except as specifically provided elsewhere in this section, no employee, full-time or part-time, shall receive, in any week in which a holiday occurs, compensation in excess of his or her normal week's pay as a result of the payment of compensation for such holiday. To these ends, this section shall be administered as follows:

Full-Time Employees (36-40 hours): The employee is entitled to each of the scheduled holidays or the equivalent time off with pay, based on the hourly rate of the employee for the number of hours normally worked on the day of the week on which the holiday falls, or for the number of hours normally worked on the day of the week given as equivalent time off, as the case may be.

Part-Time Employees (minimum 20 hours): The employee is entitled to compensation for those holidays falling within his or her usual work schedule only, as follows:

- a. The number of hours normally scheduled for the day of week on which the holiday falls; or
- b. The number of hours normally scheduled for each week, divided by the number of days normally scheduled to work in each week, whichever is applicable.

Holiday time will be given on the holiday if possible. If not, where applicable, equivalent time off with pay will be granted. However, if according to the needs of the Department, holiday time or equivalent time off cannot be granted, the employee shall receive payment at one and one-half times the regular hourly rate for all hours worked on the holiday, in addition to his or her holiday pay.

Whenever a holiday falls on Sunday, it will be observed on the Monday following. Whenever a holiday falls on Saturday or on a full-time employee's day off, holiday time will be scheduled by the Department Head or the employee will receive a Floating Holiday. The Floating Holiday is equal to eight (8) hours for employees who regularly work 40 hours per week, and will be prorated according

to the Part-time compensation formula for those who work less than 40 hours. Holiday time will not be cumulative and must be taken within either three (3) weeks before or three (3) weeks following the specified holiday.

SECTION 19. SICK LEAVE

All persons employed, full-time or part-time who have completed the six (6) months probationary period by July 1 of any year, shall be entitled to sick leave of ninety-six (96) hours, to be credited on July 1. The part-time compensation formula shall be used to determine the employee's prorated sick pay (See Section 28).

New employees having completed the six (6) months probationary period shall be credited as of the end of said six (6) months, with sick leave in the amount of eight (8) hours for each full month intervening between the six months anniversary date and the next July 1, up to the maximum of ninety-six (96) hours. Use of such leave must be occasioned by sickness or injury of the employee or their immediate family member.

Unused sick leave shall be cumulative up to a maximum of 1,200 hours, and shall be carried forward on July 1 of each year, to be added to the sick leave credited as of July 1. Sick leave may be donated to another employee who has exhausted their accumulated sick leave at the discretion of the Town Manager.

When an employee finds it necessary to be absent because of accident or illness, he/she shall report the fact to their immediate supervisor as soon as possible either in person or by agent. Sick leave will not be granted unless such report is made. For the protection of the Town, the Department Head or supervisor may require the presentation of a doctor's certificate in connection with a claim for sick leave that exceeds, or is equal to 24 hours (or three missed days of work), and may, if it is deemed advisable, send a doctor or nurse to investigate any absence alleged to be caused by illness. Any employee who refuses to submit to a doctor's examination shall not be entitled to sick leave.

An employee who retires in good standing shall receive compensation based on a percentage of his/her accumulated unused sick leave, up to a maximum of 480 hours, as follows: 5 years continuous service 10%; 15 years continuous service 50%; 25 years continuous service 75%. In the event of an employee's death, the above benefit will be paid to his/her beneficiary. This retirement benefit will not be available to any employee hired after June 30, 2010.

Sick Time can be used for any of the following reasons:

- Care for the employee's own physical or mental illness, injury or medical condition that requires home care or rest, professional medical diagnosis or care, or preventative medical care;
- Care for the employee's child, spouse, parent or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventive medical care;
- Attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse.

SECTION 20. PERSONAL LEAVE

All persons employed, full time or part time who have completed six (6) months probationary period by July 1 of any year, shall be entitled to personal leave of twenty-four (24) hours, to become available on July 1 for use during the ensuing fiscal year. The part-time compensation formula shall be used to determine the employee's prorated personal hours (See Section 26).

New employees having completed the six (6) months probationary period shall be credited as of the end of said six (6) months, with eight (8) personal hours for use during the period between said six (6) months anniversary and the end of the then current fiscal year; provided, however, that the said six (6) months probationary period must have been completed by May 1 of that year.

Employees who do not use any sick leave within a three month (3) month period (calculated quarterly), will be entitled to eight (8) additional personal hours for each such quarter; said personal hours are to be used in the same fiscal year in which they are earned. Personal leave shall be scheduled with the approval of the Department Head. Personal leave shall not be cumulative.

SECTION 21. FAMILY AND MEDICAL LEAVE

The Town agrees to abide by the provisions of the 1993 Family and Medical Leave Act (FMLA). All eligible employees are entitled to up to twelve (12) weeks of unpaid leave for certain family and medical reasons in a one (1) year period. Employees are eligible for FMLA if they have worked for the Town for at least one (1) year and at least for one thousand two hundred and fifty (1,250) hours over the previous twelve (12) months.

Unpaid FMLA leave must be granted for any of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care
- To care for the employee's spouse, son, daughter, or parent, who has a serious health condition
- For a serious health condition that makes the employee unable to perform the employee's job

In accordance with the past practice, the Town allows, at the option of the employee, the use of paid leave time during the FMLA absence including accumulated Sick Leave, Vacation Leave, and Personal Leave. The Town requires all employees applying for an FMLA leave to notify their Department Head, in writing, thirty (30) days prior to the leave, if possible.

SECTION 22. BEREAVEMENT LEAVE

In the event of death in an employee's family (wife, husband, mother (in-law), father (in-law), child, grandparents, brother, or sister) up to and including three days off duty may be granted, with pay, not to be charged against sick leave. Any time above the three days is to be charged against sick leave.

SECTION 23. MILITARY LEAVE

Town employees with a minimum of six consecutive month's employment with the Town who serve in the State or Federal military training forces under orders shall be allowed full pay for not more than one normal working week and shall be granted a military leave of absence for the period of their required service with said forces.

Military leave of absence with pay shall be granted to employees of the Town on occasion of their appearance before local draft boards or draft appeal boards, or for physical examinations ordered by said boards; but no such leave shall be granted for a period of more than one day without the approval of the Personnel Committee. Such leave shall be deemed to be a military leave of absence.

A military leave of absence without pay shall be granted to any Town Officer or employee called to active duty with the State or Federal Armed Forces for purposes other than the routine annual tour of duty for training purposes.

As used herein, the phrases "military training forces" or "armed forces" shall mean the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the Massachusetts National Guard, the Massachusetts Air National Guard, the Massachusetts State Guard, and any and all components thereof.

SECTION 24. JURY DUTY

All persons permanently employed, whether full time or part time for a minimum of twenty (20) hours per week, called for jury duty shall be paid by the Town, an amount equal to the difference between the compensation paid for a normal working period and the amount paid by the court, excluding allowance for travel, and this will be certified by the Town Clerk or Treasurer upon presentation of the check for monies received for Jury Duty.

SECTION 25. LONGEVITY PAY

After reaching ten (10) years of employment, and thereafter, each employee permanently employed, whether full or part time, shall receive an annual bonus equal to 2% of their annual salary, and is payable in the first pay period after July 1st. At 15 years of continuous service – 2.5% of their annual salary, and at 20 years of continuous service – 3% of their annual salary.

SECTION 26. TRAVEL REIMBURSEMENT

Travel reimbursement shall be by signed voucher at a rate established by the IRS when using the employee's own car, plus tolls and parking fees.

SECTION 27. DISCIPLINE POLICY

Items which constitute grounds for disciplinary action against an employee include: chronic absenteeism or tardiness, insubordination or refusal to work, infraction of work and safety rules, threat of physical violence against fellow employees, use of profane language to a supervisor or fellow employee, or offenses of comparable gravity or severity.

Upon determination by the Department Head that disciplinary action is warranted, the following guidelines shall be implemented for all employees that have successfully completed a six (6) month probationary period:

STEP 1. 1st Offense - Written warning.

STEP 2. 2nd Offense - A formal written reprimand notifying the employee of a one day suspension and that one further offense shall result in a three day suspension without pay.

STEP 3. 3rd Offense - Employee will receive an immediate three day suspension without pay and a written notification that any further offense shall be grounds for dismissal.

STEP 4. 4th Offense - Immediate dismissal of the employee.

Depending on the particular circumstances, one or more of the above steps may be skipped. The offense for which disciplinary action is taken may be any combination of the items described above. For example, offense number one could be tardiness, offense number two could be absenteeism, and offense number three could be refusal to work or insubordination. If an employee goes twenty-four (24) months without a further offense, the first offense beyond twenty-four (24) months shall be disciplined at the level of step one.

The following infractions are grounds for the immediate dismissal of an employee for just cause by the Department Head. Just cause may include, but shall not be limited to, the following:

- Willful neglect or non-performance of one or more assigned duties;
- Demonstrated incompetence in the performance of one or more assigned duties;
- Behavior that seriously interferes with the normal operation of the municipality, the department, or any member of the workforce;
- Insubordination, which shall mean a refusal to carry out a direct order;

- Dishonesty in the performance of assigned duties;
- Chronic absenteeism or tardiness without reasonable excuse;
- Unauthorized possession or use of alcohol or an unprescribed controlled substance during any period of assigned work;
- Municipal theft.

SECTION 28. DEFINITIONS

The following terms used in the Salary Administration Plan shall be defined as set forth herein:

Full-Time Employee shall mean any person who spends an amount of time between thirty-six (36) and forty (40) hours of permanently scheduled work per week in the service of the Town.

Hourly Employee shall mean any employee of the Town who by virtue of their classified position is compensated at an hourly rate for services rendered. Hourly employees are not eligible for benefits (i.e. vacation, sick-time, insurance, etc.).

Intermittent Employee shall mean any person who works less than twenty (20) hours per week on a regular basis. Intermittent employees are not eligible for benefits (i.e. vacation, sick-time, insurance, etc.) and work less than one thousand forty (1,040) hours per year in the service of the Town.

Part Time Compensation Formula shall be determined by dividing the compensation or time off by 40 and then multiplying by the number of hours the employee works per week. For example, a 40 hour per week employee is eligible for 120 hours of vacation. If another employee with the same tenure works 36 hours, the formula is as follows: $120 / 40 = 3$. Then multiply 3×36 hours = 108 hours.

Part-Time Employee shall mean any person who spends less than thirty-six (36) hours but twenty (20) hours or more of permanently scheduled work per week in the service of the Town.

Probationary Period shall mean the initial six (6) month period of employment with the Town.

Seasonal Employee shall mean any employee, part or full-time who spends no more than six (6) months or one hundred eighty (180) days whichever is less per year, in the service of the Town. Seasonal employees are not eligible for benefits (i.e. vacation, sick-time, insurance, etc.).

SCHEDULE A CLASSIFICATION AND SALARY SCHEDULE

CLASS TITLE *	GRADE **
Account Clerk.....	4
Administrative Assessing Assistant.....	6
Administrative Assistant.....	8
Assistant Assessor.....	9
Assistant Town Clerk.....	8
Assistant Treasurer/Tax Collector.....	9
Building Inspector.....	14
Chief Administrative Assistant.....	13
Council on Aging Director.....	11
Council on Aging Dietary Aide.....	2
Council on Aging Meal Site Manager.....	3
Council on Aging Outreach Counselor.....	6
Council on Aging Van Driver.....	4
DPW Director	16
EMT Call.....	7
Firefighter – Call.....	7
Firefighter/EMT – Call.....	9
EMT Intermediate – Call.....	9
Paramedic – Call.....	9
Firefighter/EMT/LT – Call.....	10
Firefighter/EMT/Capt. – Call.....	11
Firefighter/EMT/Deputy Chief – Call.....	12
Head Account Clerk.....	8
Head Clerk.....	8
Junior Library Assistant.....	4
Land Use Director.....	18
Library Assistant.....	5
Library Page.....	1
Payroll and Benefits Coordinator.....	10
Payroll & Benefits Coordinator/Risk Manager.....	13
Planning Director.....	13
PACC Coordinator.....	8
Principal Account Clerk.....	7

Principal Assessing Clerk.....	7
Principal Clerk.....	7
Principal Library Assistant.....	7
Public Access.....	8
Public Safety Head Clerk Coordinator.....	10
Senior Account Clerk.....	6
Senior Assessing Clerk.....	6
Senior Clerk.....	6
Senior Library Assistant.....	6
Sewer Business Manager	11
Staff Librarian	9
Technology Director.....	15
Treasurer/Tax Collector.....	14

* Class Titles and associated grades may or may not be used for those under union or individual contracts.

There are new class titles and some are renamed for clarity.

** New Grades have been assigned to those jobs mapped to the 2016 Salary Schedule. *(revised Sept 2015)*

TOWN OF LUNENBURG SALARY SCHEDULE FOR FISCAL YEAR 2016

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1	\$ 9.25	\$ 9.53	\$ 9.81	\$ 10.11	\$ 10.41	\$ 10.72	\$ 11.04	\$ 11.38
2	\$ 10.08	\$ 10.38	\$ 10.69	\$ 11.01	\$ 11.35	\$ 11.69	\$ 12.04	\$ 12.40
3	\$ 10.99	\$ 11.32	\$ 11.66	\$ 12.01	\$ 12.37	\$ 12.74	\$ 13.12	\$ 13.52
4	\$ 11.98	\$ 12.34	\$ 12.71	\$ 13.09	\$ 13.48	\$ 13.89	\$ 14.30	\$ 14.73
5	\$ 13.06	\$ 13.45	\$ 13.86	\$ 14.27	\$ 14.70	\$ 15.14	\$ 15.59	\$ 16.06
6	\$ 14.23	\$ 14.66	\$ 15.10	\$ 15.55	\$ 16.02	\$ 16.50	\$ 16.99	\$ 17.50
7	\$ 15.51	\$ 15.98	\$ 16.45	\$ 16.95	\$ 17.46	\$ 17.98	\$ 18.52	\$ 19.08
8	\$ 16.91	\$ 17.42	\$ 17.94	\$ 18.48	\$ 19.03	\$ 19.60	\$ 20.19	\$ 20.80
9	\$ 18.43	\$ 18.98	\$ 19.55	\$ 20.14	\$ 20.74	\$ 21.37	\$ 22.01	\$ 22.67
10	\$ 20.09	\$ 20.69	\$ 21.31	\$ 21.95	\$ 22.61	\$ 23.29	\$ 23.99	\$ 24.71
11	\$ 21.90	\$ 22.56	\$ 23.23	\$ 23.93	\$ 24.65	\$ 25.39	\$ 26.15	\$ 26.93
12	\$ 23.87	\$ 24.59	\$ 25.32	\$ 26.08	\$ 26.87	\$ 27.67	\$ 28.50	\$ 29.36
13	\$ 26.02	\$ 26.80	\$ 27.60	\$ 28.43	\$ 29.29	\$ 30.16	\$ 31.07	\$ 32.00
14	\$ 28.36	\$ 29.21	\$ 30.09	\$ 30.99	\$ 31.92	\$ 32.88	\$ 33.86	\$ 34.88
15	\$ 30.91	\$ 31.84	\$ 32.79	\$ 33.78	\$ 34.79	\$ 35.83	\$ 36.91	\$ 38.02
16	\$ 33.69	\$ 34.70	\$ 35.74	\$ 36.81	\$ 37.92	\$ 39.06	\$ 40.23	\$ 41.43
17	\$ 36.73	\$ 37.83	\$ 38.97	\$ 40.14	\$ 41.34	\$ 42.58	\$ 43.86	\$ 45.17
18	\$ 40.03	\$ 41.23	\$ 42.47	\$ 43.74	\$ 45.05	\$ 46.41	\$ 47.80	\$ 49.23
19	\$ 43.63	\$ 44.94	\$ 46.29	\$ 47.68	\$ 49.11	\$ 50.58	\$ 52.10	\$ 53.66
20	\$ 47.56	\$ 48.99	\$ 50.46	\$ 51.97	\$ 53.53	\$ 55.14	\$ 56.79	\$ 58.49

Employees hired between January 1st and June 30th are not eligible for a step increase until the following calendar year on July 1st.

Step 1 is defined as the first 0 months up to 18 months of employment (depending on the individual's date of hire).

Employees receive a step increase each year until they reach 10 years of employment, at which time they are eligible for a Longevity Bonus.

(submitted by Personnel Committee) Board of Selectmen and Finance Committee recommends approval with amendments to be presented at Town Meeting.

ARTICLE 14. To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to the Stabilization Fund; or take any other action relative thereto. (Submitted by Town Manager)

Board of Selectmen recommends approval of \$6,623.00. Finance Committee will make recommendation at Town Meeting.

ARTICLE 15. To see if the Town will vote to adopt a Non-Binding Resolution opposing the Northeast Energy Direct Project as printed below; or take any other action relative thereto. (Submitted by Board of Selectmen/ Town Manager)
Board of Selectmen recommends approval. Finance committee reports no direct financial impact.

Non-Binding Resolution Opposing the Northeast Energy Direct Project

WHEREAS, Kinder Morgan has proposed a new 36" high pressure gas pipeline through Massachusetts and New Hampshire, as part of a Northeast Energy Direct Project hereinafter called "the Project"; and

WHEREAS, the Project also proposes a new 12" high pressure (1460 psi) natural gas pipeline, which it calls the "Fitchburg Lateral", to be installed, not in Fitchburg, but in Lunenburg, Townsend, and Mason NH; and

WHEREAS, Lunenburg is already crossed by a Kinder Morgan pipeline hereinafter called the "South Lunenburg Lateral", which runs from Lancaster to the proposed southern terminus of the Fitchburg Lateral; and

WHEREAS, the South Lunenburg Lateral has already caused financial damage to Lunenburg citizens; and

WHEREAS, the completion of the Project appears to create a connection between the proposed Fitchburg Lateral and the South Lunenburg Lateral; and

WHEREAS, said connection could provide Kinder Morgan the opportunity to provide gas service to Worcester through Lunenburg including a possible future addition of a compressor station in Lunenburg, or other re-adaptation and re-use of the South Lunenburg Lateral; and

WHEREAS, Kinder Morgan has been silent about its plans to create such a connection, despite its proposing a metering station in Lunenburg at the Southern terminus of the proposed Fitchburg Lateral in its Resource Report 1 filed with the Federal Energy Regulatory Commission; and

WHEREAS, the currently proposed pipeline route was chosen in a private, closed process so that there has been no chance for open, public discussion or debate of alternate routing possibilities and tradeoffs; and

WHEREAS, Kinder Morgan identified properties in Lunenburg that it intends the Fitchburg Lateral to cross but declined to provide the town of Lunenburg with detailed and current information on the exact route it is proposing; and

WHEREAS, landowners are being asked to permit surveying on their property or to sign agreements to forfeit some of their property rights; and

WHEREAS, federal eminent domain powers may be used to forcibly take pipeline easements from unwilling landowners; and

WHEREAS, a high-pressure gas pipeline, by its nature, carries the potential for leak, rupture or devastating explosion causing untold damage to property and lives; and

WHEREAS, said pipeline goes against current Massachusetts commitments to renewable energies and combating global climate change; and

WHEREAS, our energy challenges are better addressed through investment in energy conservation measures as well as green and renewable energy solutions; and

WHEREAS, Lunenburg and our neighboring communities have adopted comprehensive master plans, zoning bylaws, wetlands bylaws and other land use controls to provide for the orderly development of our communities and the conservation and protection of our communities for future generations to come, as good stewards of the land should; and

WHEREAS, the elimination of environmental threats to our forests and streams from improvident developments is the fundamental purpose for the adoption of our land use controls and master plans; and

WHEREAS, Lunenburg and our neighboring communities have publicly and privately set aside large tracts of land and restricted their development for conservation and open space purposes as part of their master plans;

NOW, THEREFORE, be it RESOLVED that the Town of Lunenburg does hereby declare that it:
STANDS IN OPPOSITION to Kinder Morgan's proposed Energy Direct Project and to the Fitchburg Lateral; and
STANDS IN OPPOSITION to any effort to locate the proposed Fitchburg Lateral within Lunenburg's borders; and
FURTHER COMMITS to participate in and provide comments to any meetings held under the Federal Energy Regulatory Commission (FERC) review process with regard to the proposed Fitchburg Lateral to oppose Kinder Morgan's application; and

BE IT FURTHER RESOLVED that the Town of Lunenburg does hereby call upon its state and federal legislators and Executive branch officers to enact legislation and take any such other actions as are necessary to oppose such energy projects that go against our commitment to public safety, our environment, our economic well-being and our sense of community.

And you are directed to serve this Warrant by posting attested copies thereof in four or more public places in the Town, fourteen (14) days at least before the day appointed for said meeting, one of which places shall be the Town Hall, one at Whalom Variety Store in the Whalom-Bakerville District, one at Powell's and one at Centre Pizza and Variety, and by mailing a copy to each dwelling unit in the Town in which a registered voter resides at least fourteen (14) days prior to such meeting. Hereof, fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk at the time and place aforesaid.

Given under our hands, this twentieth day of October 2015.

A true copy attest:

Kathryn M. Herrick, Town Clerk

BOARD OF SELECTMEN

James E. Toale, Chairman

Robert J. Ebersole, Vice Chairman

Thomas A. Alonzo, Clerk

Paula J. Bertram, Member

Phyllis M. Luck, Member

		FY2016 Original	FY2016 Recap Adjustments	
REVENUE				
State Aid				
Chapter 70	\$	5,808,799	\$ 5,834,483	\$ 25,684
Kindergarten Grant	\$	-	\$ -	
Charter Tuition Reimbursements	\$	54,628	\$ 133,545	\$ 78,917
Charter School Capital Facility Reimb	\$	-	\$ -	
Smart Growth 40S	\$	116,000	\$ 119,257	\$ 3,257
School Lunch	\$	-	\$ -	
School Choice Receiving Tuition	\$	215,790	\$ 227,741	\$ 11,951
Unrestricted General Government Aid/ Lottery	\$	974,858	\$ 974,858	\$ -
Gaming Proceeds for Lottery Cap	\$	-	\$ -	
Additional Assistance	\$	-	\$ -	
Police Career Incentive (Quinn Bill)	\$	-	\$ -	
Veteran's Benefits	\$	55,238	\$ 55,238	\$ -
Exemptions: Vets, Elderly, Surviving Spouse & Blind	\$	63,425	\$ 63,425	\$ -
State Owned Land	\$	47,844	\$ 47,844	\$ -
Libraries	\$	14,115	\$ 14,398	\$ 283
	\$	7,350,697	\$ 7,470,789	\$ 120,092
		sub-total:	State Aid	\$ 120,092
Property Tax				
Property Tax, New Growth	\$	320,000	\$ 360,856	\$ 40,856
		sub-total:	Other Revenue Adjustments	\$ 40,856
		Total:	Revenue Adjustments	\$ 160,948
EXPENSE				
Cherry Sheet Charges				
MVE SURCHARGE	\$	8,080	\$ 8,080	\$ -
MOSQUITO CONTROL	\$	65,847	\$ 58,254	\$ (7,593)
AIR POLLUTION CONTROL	\$	3,041	\$ 3,041	\$ -
REGIONAL TRANSIT	\$	33,275	\$ 33,275	\$ -
SPECIAL EDUCATION	\$	12,307	\$ 12,364	\$ 57
MASS BAY TRANSPORTATION	\$	38,626	\$ 38,626	\$ -
CHOICE TUITION ASSESSMENT	\$	530,969	\$ 517,649	\$ (13,320)
CHARTER TUITION ASSESSMENT	\$	537,966	\$ 631,906	\$ 93,940
	\$	1,230,111	\$ 1,303,195	\$ 73,084
Cherry Sheet Offsets				
School Choice Receiving Tuition	\$	215,790	\$ 227,741	\$ 11,951
Libraries	\$	14,115	\$ 14,398	\$ 283
	\$	229,905	\$ 242,139	\$ 12,234
		sub-total:	Cherry Sheet Charges	\$ 85,318
Expense:				
Worcester Regional Retirement Assessment	\$	986,268	\$ 967,652	\$ (18,616)
Monty Tech Assessment	\$	801,484	\$ 799,478	\$ (2,006)
		sub-total:	Other Expense Adjustments	\$ (20,622)
		Total:	Expense Adjustments	\$ 64,696
		total:	Additional Available	\$ 96,252
Proposed Additional Appropriations				
Article 3, FY2016 Budget Adjustment				
Line 13, Reserve Fund	\$	50,000	\$ 89,116	\$ 39,116
Line 75, Veteran's Benefits	\$	50,000	\$ 100,000	\$ 50,000
Article 14, Stabilization Fund				
Transfer to Stabilization Fund	\$	98,230	\$ 105,366	\$ 7,136
		total:	Additional Appropriation	\$ 96,252